STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JEREMIAH ALLAN VANZYL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TREASE M. VELTKAMP,

Respondent-Appellant.

UNPUBLISHED
September 9, 2008

No. 283592
Montcalm Circuit Court
Family Division
LC No. 2007-000297-NA

Before: Whitbeck, P.J., and Bandstra and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(l). We affirm.

Respondent argues that the trial court erred when it failed to advise her that the consequences of pleading to the allegations in the petition included the possibility of termination of her parental rights. "Matters affecting the court's exercise of its jurisdiction may be challenged only on direct appeal of the jurisdictional decision, not by collateral attack in a subsequent appeal of an order terminating parental rights." *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005). After the trial court entered an order of adjudication, finding that the child came within its jurisdiction and ordering him placed in out-of-home care, respondent did not appeal the issue of jurisdiction in this Court. By not appealing that order, she has lost her right to challenge the court's exercise of jurisdiction.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Once petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). We review the trial court's decision for clear error. *Trejo*, *supra* at 356-357.

The trial court did not clearly err in terminating respondent's parental rights to the minor child. Respondent stipulated that her parental rights to three other children had been terminated in 1999 and 2000, thus establishing the statutory ground for termination found in MCL 712A.19b(3)(l), and the trial court held a best interests hearing. The trial court acknowledged that respondent attended a number of parenting classes and other programs in an attempt to rehabilitate herself and had made some progress. The court weighed this progress against respondent's ability to give the minor child love and affection and to provide him with food, clothing, and medical care. The evaluating psychologist had serious concerns that respondent could not provide for the minor child's daily medical needs. Her relatives testified that respondent would need help and assistance to care for the minor child on her own. Respondent had unstable relationships over the last several years with domestic violence and chronic alcoholism. She put her needs before those of her children as evidenced by her continuing to smoke heavily while pregnant with the child. The trial court did not clearly err when, after weighing these factors, it did not find that the minor child's best interests precluded termination of respondent's parental rights.

We affirm.

/s/ William C. Whitbeck
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio